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UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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DIMAS O'CAMPO,

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NO. CIV. S-10-1105 LKK/CMK

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Plaintiff,

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v.

O R D E R

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CHICO MALL, LP, et al.,

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Defendants.

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Plaintiff has brought claims against numerous defendants, including a shopping mall and several stores and restaurants within the mall. Plaintiff alleges violations of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12181 *et seq.*, and various state laws concerning the accessibility of defendants' public accommodations.

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Defendant Hot Topic, Inc. ("Hot Topic") moved for summary judgment on August 23, 2010, and the motion was set for hearing on October 25, 2010. ECF No. 43. Plaintiff did not file an opposition to Hot Topic's motion to dismiss, but filed an application for a Rule 56(f) continuance on September 10, 2010. ECF No. 54.

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On October 20, 2010, defendant Hot Topic filed a motion to

1 substitute attorney, which this court granted on October 21, 2010.  
2 Counsel for Hot Topic did not appear at the hearing on the motion  
3 for a Rule 56(f) stay. For the foregoing reasons the court orders  
4 as follows:

5 [1] Defendant Hot Topic's Motion for Summary Judgment, ECF  
6 No. 43, is DENIED without prejudice. Defendant may again move  
7 for summary judgment at the close of discovery.

8 [2] Plaintiff's application for a Rule 56(f) continuance, ECF  
9 No. 54, is DENIED as moot.

10 IT IS SO ORDERED.

11 DATED: October 26, 2010.

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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT